

## PATENT COOPERATION TREATY

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PCT	

From the INTERNATIONAL BUREAU

To:

DONALD, Heather June  
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SPOOR &amp; FISHER

2005 -03- 02

NOTIFICATION CONCERNING  
SUBMISSION OR TRANSMITTAL  
OF PRIORITY DOCUMENT

(PCT Administrative Instructions, Section 411)

Date of mailing (day/month/year) 17 February 2005 (17.02.2005)	<b>IMPORTANT NOTIFICATION</b>		
Applicant's or agent's file reference PA136148/PCT			
International application No. PCT/IB2005/000057	International filing date (day/month/year) 13 January 2005 (13.01.2005)		
International publication date (day/month/year) Not yet published	Priority date (day/month/year) 15 January 2004 (15.01.2004)		
Applicant ELEMENT SIX LIMITED et al			

1. By means of this Form, which replaces any previously issued notification concerning submission or transmittal of priority documents, the applicant is hereby notified of the date of receipt by the International Bureau of the priority document(s) relating to all earlier application(s) whose priority is claimed. Unless otherwise indicated by the letters "NR", in the right-hand column or by an asterisk appearing next to a date of receipt, the priority document concerned was submitted or transmitted to the International Bureau in compliance with Rule 17.1(a) or (b).
2. (If applicable) The letters "NR" appearing in the right-hand column denote a priority document which, on the date of mailing of this Form, had not yet been received by the International Bureau under Rule 17.1(a) or (b). Where, under Rule 17.1(a), the priority document must be submitted by the applicant to the receiving Office or the International Bureau, but the applicant fails to submit the priority document within the applicable time limit under that Rule, the attention of the applicant is directed to Rule 17.1(c) which provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.
3. (If applicable) An asterisk(\*) appearing next to a date of receipt, in the right-hand column, denotes a priority document submitted or transmitted to the International Bureau but not in compliance with Rule 17.1(a) or (b) (the priority document was received after the time limit prescribed in Rule 17.1(a) or the request to prepare and transmit the priority document was submitted to the receiving Office after the applicable time limit under Rule 17.1(b)). Even though the priority document was not furnished in compliance with Rule 17.1(a) or (b), the International Bureau will nevertheless transmit a copy of the document to the designated Offices, for their consideration. In case such a copy is not accepted by the designated Office as priority document, Rule 17.1(c) provides that no designated Office may disregard the priority claim concerned before giving the applicant an opportunity, upon entry into the national phase, to furnish the priority document within a time limit which is reasonable under the circumstances.

<u>Priority date</u>	<u>Priority application No.</u>	<u>Country or regional Office or PCT receiving Office</u>	<u>Date of receipt of priority document</u>
15 Janu 2004 (15.01.2004)	S2004/0026	IE	09 Febr 2005 (09.02.2005)

The International Bureau of WIPO 34, chemin des Colombettes 1211 Geneva 20, Switzerland  Facsimile No. (41-22) 338.70.60	Authorized officer  P. Pouvreau  Telephone No. (41-22) 338 9546
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**PATENT COOPERATION TREATY**  
**PCT**  
**INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**  
(Chapter II of the Patent Cooperation Treaty)  
(PCT Article 36 and Rule 70)

Applicant's or agent's file reference <b>PA136148/PCT</b>	<b>FOR FURTHER ACTION</b>		See Form PCT/IPEA/416
International application No. <b>PCT/IB2005/000057</b>	International filing date ( <i>day/month/year</i> ) <b>13.01.2005</b>	Priority date ( <i>day/month/year</i> ) <b>15.01.2004</b>	
International Patent Classification (IPC) or national classification and IPC <b>C09K3/14</b>			
<p>Applicant <b>ELEMENT SIX LIMITED et al.</b></p> <p>1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.</p> <p>2. This REPORT consists of a total of 5 sheets, including this cover sheet.</p> <p>3. This report is also accompanied by ANNEXES, comprising:</p> <p>a. <input type="checkbox"/> (<i>sent to the applicant and to the International Bureau</i>) a total of sheets, as follows:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).</li> <li><input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.</li> </ul> <p>b. <input type="checkbox"/> (<i>sent to the International Bureau only</i>) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or tables related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).</p> <p>4. This report contains indications relating to the following items:</p> <p> <input checked="" type="checkbox"/> Box No. I Basis of the opinion  <input type="checkbox"/> Box No. II Priority  <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability  <input type="checkbox"/> Box No. IV Lack of unity of invention  <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement  <input type="checkbox"/> Box No. VI Certain documents cited  <input type="checkbox"/> Box No. VII Certain defects in the international application  <input checked="" type="checkbox"/> Box No. VIII Certain observations on the international application </p>			
Date of submission of the demand <b>11.11.2005</b>	Date of completion of this report <b>28.02.2006</b>		
Name and mailing address of the international preliminary examining authority:  <b>European Patent Office D-80298 Munich Tel. +49 89 2399 - 0 Tx: 523656 epmu d Fax: +49 89 2399 - 4465</b>	Authorized Officer  <b>Rosenberger, J</b> Telephone No. +49 89 2399-7856		

**INTERNATIONAL PRELIMINARY REPORT  
ON PATENTABILITY**

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**Box No. I Basis of the report**

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1. With regard to the **language**, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.
  - This report is based on translations from the original language into the following language, which is the language of a translation furnished for the purposes of:
    - international search (under Rules 12.3 and 23.1(b))
    - publication of the international application (under Rule 12.4)
    - international preliminary examination (under Rules 55.2 and/or 55.3)
2. With regard to the **elements\*** of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):
  - a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing
  - 3.  The amendments have resulted in the cancellation of:
    - the description, pages
    - the claims, Nos.
    - the drawings, sheets/figs
    - the sequence listing (*specify*):
    - any table(s) related to sequence listing (*specify*):
  - 4.  This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
    - the description, pages
    - the claims, Nos.
    - the drawings, sheets/figs
    - the sequence listing (*specify*):
    - any table(s) related to sequence listing (*specify*):

\* If item 4 applies, some or all of these sheets may be marked "superseded."

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**Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

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**1. Statement**

Novelty (N)	Yes:	Claims	1-8
	No:	Claims	
Inventive step (IS)	Yes:	Claims	1-8
	No:	Claims	
Industrial applicability (IA)	Yes:	Claims	1-8
	No:	Claims	

**2. Citations and explanations (Rule 70.7):**

**see separate sheet**

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**Box No. VIII Certain observations on the international application**

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The following observations on the clarity of the claims, description, and drawings or on the question whether the claims are fully supported by the description, are made:

**see separate sheet**

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**Re Item V**

**Reasoned statement with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Reference is made to the following document:

D1: EP 577 375 A

2. Document D1, which is regarded as being the closest prior art to the subject-matter of claim 1, discloses coated abrasive particles (see column 2, lines 6-8). For diamond abrasives the coating may consist of an inner layer of a carbide, for example titanium carbide, and an outer layer of a nitride, for example titanium nitride. The coating may also include an intermediate reaction zone of a carbonitride, for example titanium carbonitride (see column 3, lines 1-7). In present claim 1 the coating system comprises an outer layer of a metal carbonitride deposited on the inner layer. As such a carbonitride outer layer is not disclosed in D1, the subject-matter of claim 1 is new (Article 33(2) PCT).

3. The problem that carbide coatings on diamond particles tend to react with certain bond matrix metals can be circumvented by the titanium nitride outer layer disclosed in D1. It is however not obvious from the prior art that a carbonitride outer layer as in present claim 1 can be used as an alternative to the nitride outer layer disclosed in D1. Therefore the subject-matter of claim 1 is involving an inventive step (Article 33(3) PCT).

4. Claims 2-8 are dependent on claim 1 and as such also meet the requirements of the PCT with respect to novelty and inventive step.

**Re Item VIII**

**Certain observations on the international application**

With regard to Article 6 PCT it is noted that the passage in the description on page 6 in paragraph 4 is in contradiction to the claims. In the claims the material of the outer layer is limited to a metal carbonitride, while this passage of the description lists other materials for

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the outer layer.